

3006958-GVC/af

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SABINE CAIN,

Plaintiff,

VS.

AMERICAN AIRLINES, INC., a
Corporation,

Defendant.

No. 08cv 2827
Judge Lefkow
Magistrate Judge Cox

NOTICE OF FILING

TO: Gerald Cleary
SmithAmundsen LLC
150 North Michigan Avenue
Suite 3300
Chicago, Illinois 60601

FILED
JUL 24 2008 TC
JUL 24 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

PLEASE TAKE NOTICE that we have filed on July 24, 2008 with the Clerk of the District Court, Illinois, the following: **Plaintiff's First Amended Complaint.**

SMITH & ALBERTS
Attorney for Plaintiff
6 West Hubbard Street
Suite 250
Chicago, IL 60610
(312) 726-4204

SMITH & ALBERTS

BY: *Y. A. Pearlman*
Attorney for Plaintiff(s)

CERTIFICATE OF MAILING

Under penalties as provided by law pursuant to ILCS §5/1-109, I, the undersigned non-attorney, certify that I served a true and correct copy of the foregoing by mailing a properly sealed and addressed envelope to each person directed above on or about July 24, 2008.

Sonia Casper

ATTORNEY CODE 31185

[illegible]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------|---|----------------------|
| SABINE CAIN, |) | |
| |) | |
| Plaintiff(s) |) | No. 08 Cv2827 |
| |) | Judge Lefkow |
| vs. |) | Magistrate Judge Cox |
| AMERICAN AIRLINES, INC., |) | |
| a Foreign Corporation, |) | |
| |) | |
| Defendant(s) |) | |

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MICHAEL W. DUBBINS
CLERK, U.S. DISTRICT COURT

FIRST AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, Sabine Cain, by and through her attorneys, SMITH & ALBERTS, and complaining of the Defendant, American Airlines, Inc., a Foreign Corporation, alleges as follows:

1. That on March 24, 2006, and for some time prior thereto, defendant, American Airlines, Inc., a foreign corporation, was a corporation duly licensed and registered to do business within the State of Illinois and on said date, owned, operated, maintained and controlled certain American Airlines airplane number 722 which were being used at O'Hare International Airport, in the City of Chicago, County of Cook and State of Illinois.

2. That on March 24, 2006, and prior thereto, defendant, American Airlines, Inc., a foreign corporation, possessed, operated, managed, maintained and controlled, or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through their agents, servants and employees, airplane number 722 being used by patrons at said location, at O'Hare International Airport, in the City of Chicago, County of Cook, State of Illinois.

3. On said date, Plaintiff, Sabine Cain, was a passenger boarding American Airlines airplane number 722 when she slipped and fell on an unnatural accumulation of a liquid, severely injuring herself, while she

was walking in the airplane.

4. That on the aforementioned date, the Plaintiff was lawfully on American Airlines airplane number 722 where the aforementioned incident took place.

5. That the above-mentioned area where plaintiff slipped and fell was under the control, managed and maintained by the defendant, by and through its agents and/or employees, and said area was designated as a place for passengers to walk on the airplane.

6. At all times relevant hereto, it was the duty of defendant to keep their airplane maintained in a reasonably safe condition so as it not to cause injury to the plaintiff and other passengers.

7. Notwithstanding said duty, Defendant acted or failed to act in one or more of the following ways which amounted to negligent and/or careless conduct.

- a. Improperly operated, managed, maintained and controlled the airplane in an unsafe manner, namely allowing the floor of the airplane to remain in a dangerous condition so that as a direct and proximate result therefore, the plaintiff was injured;
- b. Failed to make a reasonable inspection of said airplane floor when the defendant knew or should have known that the inspection was necessary to prevent injury to the plaintiff;
- c. Failed to warn the Plaintiff and other persons of the dangerous and/or hazardous condition present;
- d. Created a dangerous and/or hazardous condition by allowing the floor of the airplane to have an un-natural accumulation of a liquid substance;
- e. Failed to adequately clean and maintain the floor of the airplane;
- f. Was otherwise careless and/or negligent in the operation, maintenance and/or control of the above-mentioned airplane.

8. That the above-mentioned airplane floor was dangerous in that it caused plaintiff to slip and fall, thereby injuring herself.

9. As a direct and proximate result of one or more of the foregoing acts and/or omissions of the Defendant, Plaintiff was caused to and did fall at the above-mentioned location.

10. As a direct and proximate result of one or more of the foregoing acts and/or omissions of the Defendant, Plaintiff sustained injuries of a pecuniary and personal nature, and as such was caused to and did seek medical care for the treatment of same; further, Plaintiff was caused to and did become absent from her usual pursuits for a period of time.

WHEREFORE, plaintiff, Sabine Cain, prays for the entry of judgment against the Defendant, American Airlines, Inc., a foreign corporation, in the amount in excess of FIFTY THOUSAND DOLLARS, (\$50,000.00) and the costs of this suit.

BY: 

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